EXPLANATION OF

14

فروع الفقه

Ibn Al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh, and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SHAYKH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

SHAYKH AHMAD MUSĀ JIBRĪL

بسم الله الرحمان الرحيم

والحمد الله رب العالمين والعاقبة للمتقين ولا عدوان إلا على الظلمين، وأشهد ان لا إلٰه الا الله وحده لا شريك له وأشهد أن سيدنا وحبيبنا محمدً عبده ورسوله، اللهم صلى وسلم على سيدنا محمد وعلى آله وصحبه، ورزقنا متابعته بالأقوال والأفعال والأحوال، أما بعد

All the praises and thanks be to Allah, the Lord of the worlds, and the blessed end is for the pious slaves, and there will be no hostility except upon the evildoers. I testify that there is no god worthy of worship except Allah Who has no partner, and I testify that our chief and beloved Muhammad is His slave and Messenger, may the peace and blessing of Allah be upon our chief Muhammad, and upon his family and companions, [O Allah] grant us the blessing of following him in his sayings, actions, and internal state. As for what follows,

Last week we took five Masā'il. And to comprehend five Masā'il a week in depth, like most of the Masā'il that we study, that's something that most Talabul-'Ilm should be proud of and commended for. And that's one of several reasons why the classes may be, at times, shorter. One of our teachers who used to go into detail wouldn't give us more than three Masā'il a week for the first year or so that we studied with him. So, Alhamdulillāhi-Rabbil-'Ālamīn for that.

The Masā'il that we took last week were as follows, we continued on the term Sātir (ساتر), which means covering. And we took the Mas'alah regarding covering the foot, in that the socks or Khuff don't have any holes in them, and whether it's permissible to wipe on socks or Khuffs that have holes in them. Then the next Mas'alah we took is whether it's permissible to wipe over thin or see-through socks or Khuffs. Then we took the

Mas'alah in whether they have to be firm or stable on their own. Then the Mas'alah of wiping over the shoes, then the Mas'alah of wiping over the socks. There are some more Masā'il pertaining to a Khuff or socks that are essential, yet the author's statements in the book didn't encompass them. They need to be mentioned for Talabul-'Ilm, and they're practical for everyone. Someone may say, who wears Khuffs these days? But then who doesn't wear socks these days? Therefore, most of what we took applies to both.

The next Mas'alah that we'll start on today is, do you wipe under the Khuff (the underpart of the socks), or the upper part, or both? The first opinion is that of Ash-Shāfi'īyyah, Mālikiyyah in Muwatta Mālik and Al-Mudawanah Al-Kubrā – Imām Mālik said you must wipe over the top of foot (to them that's a must), but it's also Sunnah to wipe the underpart of the Khuff/socks.

In Al-Hāwī Al-Kabīr, which is a book on the Shāfi'ī Madhhab, Ash-Shāfi'ī stated the same opinion. They also mentioned that it was the opinion of Abdullāh Ibn 'Umar (رضي الله عنهم اجمعين), and Sa'd Ibn Abi Waqqās (رضي الله عنه), and Az-Zuhrī (رحمه الله تعالى) and some other 'Ulamā'. So their opinion is to wipe over the upper part of the Khuff/socks and the bottom. If you wipe the bottom alone it's not sufficient, whereas if you wipe the top alone it is sufficient. But they also recommended the bottom be wiped as well.

In Al-Mudawwanah, Imām Mālik (رحمه الله تعالى) stated that if one only wipes the top part and makes Salāh, and the Salāh time has not lapsed, he should redo the Wudū' and Salāh. However, if the Salāh time has lapsed he doesn't need to redo anything. That's according to Imām Mālik or the

Mālikiyyah. Ibn Hazm (رحمه الله تعالى) in Al-Muhalla responded to that (I'm rewording it), saying it makes no sense to require them to repeat the Salāh only if the Salāh time has not lapsed. He said if one has performed the Tahārah properly there is no need to repeat anything. And if you consider his Wudū' is not proper due to him not wiping the bottom of his socks/Khuff, it makes no sense to only require him to repeat it only if the Salāh time hasn't lapsed.

The second opinion is mentioned in At-Tabsirah by Abu Al-Hassan Al-Lakhmi, he related that Abdullāh Ibn Nāfi', who was a close, personal student of Imām Mālik, that you have to wipe the top and bottom together. His reasoning is, wiping socks/Khuff takes the place of washing the foot. And in washing you must wash the entire foot, and likewise he said in wiping, you must encompass the entire foot.

The third opinion is in 'Uyūn Al-'Adillah, Al-Muntaqā, and Bidāyat Al-Mujtahid, that Abu 'Amr Ash-Hab Ibn Ibrāhīm – who is a student of Imām Mālik – he said you must wipe either the top or bottom, whichever one you do is sufficient. Notice those first three opinions (the first opinion is shared by Ash-Shāfi'ī) are by Imām Mālik, the second one is by one of his top students, and the third that deferred also is by one of his top students.

So the fourth opinion is by the Hanafiyyah, the Hanābilah, and the Dhāhiriyyah, they said wiping over the top is required, and wiping the bottom is not Fard, nor Sunnah, nor Mustahab. Ibn Al-Qayyim adopted this and attributed this opinion to 'Urwah, 'Attā', Al-Hasan Al-Basri, An-Nakha'i, Ath-Thawri, Ibn Al-Mundhir, Al-'Awzā'ī, Ishāq Ibn Rahaway, and other 'Ulamā'. What's their proof on this? Number one, is that famous

narration by 'Ali (رضي الله عنه) that's in Musnad Ahmad, and another narration that is similar in meaning in Sunan Abi Dawūd,

لَوْ كَانَ اَلدِّينُ بِالرَّأْيِ لَكَانَ أَسْفَلُ اَلْخُفِّ أَوْلَى بِالْمَسْحِ مِنْ أَعْلَاهُ, وَقَدْ رَأَيْتُ رَسُولَ اَللَّهِ – صلى الله عليه وسلم –يَمْسَحُ عَلَى ظَاهِرِ خُفَّيْهِ

If religion was based on opinion, wiping the underpart of the Khuff is more deserving to be wiped than the upper part. But I have seen Allah's Messenger (صلى الله عليه وسلم) wiping over the upper parts of his Khuff.

In the other narration he (رضي الله عنه) said,

كُنْتُ أَرَى أَنَّ بَاطِنَ الْقَدَمَيْنِ أَحَقُّ بِالْمَسْحِ مِنْ ظَاهِرِهِمَا حَتَّى رَأَيْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَمْسَحُ ظَاهِرَهُمَا

I used to think the bottom of the feet (meaning the Khuff) are more deserving of being wiped than the top. Until I saw the Messenger (صلى الله عليه وسلم) wiping over the top of his Khuff.

Also, there are some 'Athār that are weak, and the strongest of those (and I don't mean the strongest as in the strongest of the weak, but actually what appears to be authentic), is one in Musannaf Abdul-Razzāq that 'Ayūb As-Sikhtiyāni said, I saw Al-Hasan Al-Basrī urinate then wipe over the upper part of his Khuff, he wiped one time, and I saw the traces of his fingers on them. Why did they dispute this matter (سبب الخلاف)? Ibn Rushd said the reason for the dispute is what appears to be conflict between the Ahādīth on this issue. You have, first of all, the Hadīth in Sunan ibn Mājah,

عَنِ الْمُغِيرَةِ بْنِ شُعْبَةَ، أَنَّ رَسُولَ اللَّهِ ـ صلى الله عليه وسلم ـ مَسَحَ أَعْلَى الْخُفِّ وَأَسْفَلَهُ.

It was narrated from Al-Mughīrah Ibn Shu'bah that:
The Messenger of Allah wiped over the top and the bottom of the Khuff.

That Hadīth appears to conflict with the Hadīth we just mentioned by 'Ali (رضي الله عنه),

لَوْ كَانَ اَلدِّينُ بِالرَّأْيِ لَكَانَ أَسْفَلُ اَلْخُفِّ أَوْلَى بِالْمَسْحِ مِنْ أَعْلَاهُ, وَقَدْ رَأَيْتُ رَسُولَ اَللَّهِ – صلى الله عليه وسلم –يَمْسَحُ عَلَى ظَاهِرِ خُفَّيْهِ

If you analyze those four opinions I mentioned to you the 'Ulamā' took two routes in them, which is a matter of Usūl but I will mention it briefly. One of them, is they tried to find a way to combine between the Ahādīth on this matter (الجمع بين الحديثين). Or others, who gave precedent of one Hadīth over the other, which is called (الترجيح) At-Tarjīh. And note, in this particular situation, At-Tarjīh is the correct way and the correct route, and is given precedent. Why? Because the Hādīth of Al-Mughīrah Ibn Shu'bah that specified wiping the bottom of the Khuff is not authentic, it's been classified as weak by Abu Zur'a, Al-Bukhāri, and At-Tirmidhi and other 'Ulamā'. That sums up the selected view, Ar-Rājih.

Wiping over the upper part of the Khuff is all you wipe, and the bottom is not part of wiping over the Khuff/socks. In addition to the Hadīth of Al-Mughīrah Ibn Shu'bah specifying the Messenger (صلى الله عليه وسلم) wiped over the bottom of the Khuff being weak, this opinion gains more strength by the narration of 'Ali Ibn Abī Tālib (رضي الله عنه),

If religion was based on opinion, wiping the underpart of the Khuff is more deserving to be wiped than the upper part.

There is a narration in Musannaf Abdul-Razzaq, that that Ibn 'Umar (رضي الله عنهم اجمعين), wiped over the upper part of his Khuff as well as the bottom. Even though it appears to be authentic, that narration is,

موقوف عن ابن عمر رضي الله عنهما.

Meaning, it was Ibn 'Umar's (رضي الله عنهم اجمعين) action, and it doesn't coincide with what is attributed to the Messenger (صلى الله عليه وسلم) in Hadīth 'Ali (رضي الله عنه). So the clear Hadīth that does not accept Ta'wīl of the action of Ibn 'Umar (رضي الله عنهم اجمعين) is given precedent.

Another argument (mentioned prior) that the weaker opinion makes is they said, wiping is a replacement for washing the foot, therefore the wiping must encompass the entire foot as well. The response is, there would be some room for such a rationale if there was no proof, but we have the proof from the Hadīth of 'Ali (رضي الله عنه) on this matter.

The next Mas'alah, do you start wiping over the Khuff from the right then go to the left? Or both of them together simultaneously? The first opinion is the opinion of Al-Mālikiyyah, Ash-Shāfi'iyyah, and one of two opinions of the Hanābilah, is that you wipe the right then the left. Because wiping over the socks/Khuff replaces washing them, and in washing them you start with the right then proceed to the left. The replacement, which is wiping over the socks/Khuff, follows the rules of the origin that is washing the right then washing the left.

The Hadīth on starting with the right, which we previously took, from 'Āishah (رضي الله عنها),

كَانَ اَلنَّبِيُّ – صلى الله عليه وسلم –يُعْجِبُهُ اَلتَّيَمُّنُ فِي تَنَعُّلِهِ، وَتَرَجُّلِهِ
وَطُهُورِهِ، وَفِي شَأْنِهِ كُلِّهِ.

Allah's Messenger (صلى الله عليه وسلم) loved to begin with the right while putting on his shoes, combing his hair, in his purification and in all his affairs.

And by the way, the proper plural for Khuff in Arabic (we says Khuffs in English), is (خفاف) Khifāf.

The third proof, they said, there is no clear proof that feet should be wiped together, therefore it remains upon the original status of starting with the right. There is a Hadīth related by Al-Mughīrah (رضي الله عنه), but it's not direct and clear on this detailed matter so we stick to the original – starting with the right.

The second opinion, is that you wipe the feet together. The Hanafiyyah, and one of two opinions of the Hanābilah (it's mentioned in Kashāf Al-Qinā'), they said the Sunnah is to wipe over the right foot with the right hand, the left foot with the left hand, simultaneously. Some of them, to support this matter of wiping simultaneously, used the Hadīth of Al-Mughīrah that's in Sahīh Al-Bukhāri and Muslim, where Al-Mughīrah (رضي الله عنه) said,

فَمَسَحَ عَلَيْهِمَا

(صلى الله عليه وسلم)

He wiped over them (صلى الله عليه وسلم).

They said, he didn't say he wiped over the right and then the left. However, that statement is general, it's broad and it's not clear. It could mean together as what they claim and say, he wiped over them together, but it could also mean he (صلى الله عليه وسلم) wiped the right and then the left, and that the narrator is referring to the conclusion of the matter that he (صلى الله عليه وسلم) wiped over them. So it's not very clear.

They also use a Hadīth that is in Musannaf Ibn Abī Shaybah that's more clear and explicit in supporting their view, and it's on the authority of Al-Mughīrah but its narration is weak. It's related as weak by the 'Ulamā' of Hadīth. In addition, they said it's similar to ears by Qiyās. Ears are two different limbs – right and left – each independent of the other, and they're wiped together, so the feet are the same in that they should be wiped together. The response to that is, ears are part of the head, and the head with the ears are all considered one limb. And since they are part of the head you don't need to take new water for them. You don't have to take new water for the ears. They're wiped together without starting with the right and then the left. There is no starting with the right in any one limb, and the head including the ears are considered one limb.

Ar-Rājih on this Mas'alah, is that it's a narrow dispute, very close. Had the Hadīth of Al-Mughīrah (رضي الله عنه) been a little more explicit and clear, it would be Ar-Rājih of course. However, it's not clear on the issue so we remain on the origin on starting with the right on limbs that have two

parts, just as we do in washing. And also, due to the general Ahādīth of starting with the right. Note here, there is no basis for wiping the foot with both hands as some people do or state. On another note, in Al-Insāf Ibn Al-Qayyim (رحمه الله تعالى) said you start with the top (the front of the toes), and you go back up to the beginning of the leg (ساق). They both recommended starting with the right, and they both said, if one does them together it's acceptable. But they said, you should start with the right, and they also said if you start from the beginning of the leg and end at the toes that's fine as well.

The next Mas'alah, do we repeat wiping over the Khuff twice and thrice like we do in Wudū'? The first opinion is that it's not Sunnah to go more than once. And that's the opinion of Al-Hanafiyyah, Ash-Shāfi'iyyah, Imām Mālik, and the Hanābilah – who also specified that it's disliked to go more than once. So basically, all four Imāms agree the Khuff/socks should be wiped only once. They said, all the narrations pertaining to wiping stated *wiped*, without mentioning twice or thrice. And the term wipe in those narrations applies or refers to only one time. They also said, repeating the wiping turns it into washing – it's no longer wiping, and that the concept behind wiping over the Khuff is to make matters easier which coincides with wiping them only once. Like wiping the cast, on the area of Wudū' you wipe one time over it, likewise wiping over the Khuff is only once.

As clear as it may appear there is a second opinion. In Musanaf Abdul-Razzāq, he related the opinion of 'Attā', that one should wipe over the Khuff twice or up to three times. They said, that wiping the Khuff is a replacement for washing the feet. And washing the feet is done up to three times. Therefore, wiping the Khuff should be done up to three times

because it's a replacement, how? Wiping over the Khuff replaces the washing of the feet, so it takes the ruling of the origin of washing the feet. The response to that is that that's called analogy (Qiyās), and that's Qiyās in opposition of the text. So it's invalid and rejected Qiyās. Also, the replacement doesn't always necessarily take the ruling of the origin in all details all the time. I'll give you some examples.

First example, Tayyamum. Tayyamum replaces Wudū', yet we don't do that up to three times. Another example, we wipe only over the top of the Khuff, yet washing must encompass the entire foot. So the correct opinion, it's very clear what the four Imāms agreed on, is that the socks/Khuff should only be wiped over once, and it's disliked to go over that. It's only once, because it was not confirmed that the Messenger (صلى الله عليه وسلم) went over that, and just like they narrated that the Messenger's (صلى الله عليه وسلم) acts in washing was twice and thrice in many Ahādīth of Wudū', they would have related the same if he went beyond once when he (صلى الله عليه وسلم) wiped over the Khuff.

Also, the general rule is that there is no repetition in limbs that are wiped.

The next Mas'alah, the Khuff/socks must be pure. Shāfi'iyyah and their 'Ulamā' like An-Nawawi and the Hanābilah stated that there's 'Ijmā' that the Khuff's origin must be pure. What do we mean by origin here? They can't be made of something impure like the leather of a dog, swine, or of something Najis (impure). That leads to the next issue. What if an external Najāsah (impurity) touches or falls on the Khuff/socks?

The first opinion is the opinion is of Ash-Shāfi'iyyah and Al-Mālikiyyah. You can't wipe over a Khuff/socks that have Najāsah on them. An-Nawawi said you can't make Salāh with them, so you cannot wipe over them. The second opinion which is the Hanābilah, is that you can wipe over Khuff/socks that have Najāsah on them, the Wudū' itself is valid, that's the point. However, when you go to make Salāh, your Wudū' is valid according to that opinion, yet you cannot perform the Salāh except after you have removed the Najāsah or removed them. The Rājih is the Wudū' is valid if you wipe over the Khuff/socks tainted with Najāsah, but you cannot perform the Salāh unless you clean it or remove it. Najāsah on a Khuff doesn't deprive water from reaching the parts that one needs to wash or wipe, so it's accepted. Now when Salāh comes, he needs to take it off or clean it, because of the Hadīth that's in Musnad Ahmad, Abu Dawūd, Al-Hākim, and Ad-Dārimi,

بَيْنَمَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُصَلِّي بِأَصْحَابِهِ إِذْ خلع نَعْلَيْه فَوَضَعَهُمَا عَنْ يَسَارِهِ فَلَمَّا رَأَى ذَلِكَ الْقَوْمُ أَلْقَوْا نِعَالَهُمْ فَلَمَّا قَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ صَلَاتَهُ قَالَ: «مَا قَالُوا: رَأَيْنَاك ألقيت نعليك فَأَلْقَيْنَا نِعَالَنَا. فَقَالَ رَسُولُ اللَّهِ «حَمَلَكُمْ على إلقائكم نعالكم؟ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنْ جِبْرِيلَ أَتَانِي فَأَخْبَرَنِي أَنَّ فيهمَا قذرا إِذا جَاءَ أحدكُم إِلَى الْمَسْجِدَ فَلْيَنْظُرْ فَإِنْ رَأَى فِي نَعْلَيْهِ قَذَرًا أَو أَذَى فَلْيَمْسَحْهُ وَلِيُصَلِّ فِيهِمَا»

The Messenger (صلى الله عليه وسلم) was leading his companions in prayer he took off his sandals and laid them at his left side; so when the people saw that, they removed their sandals. When he had finished his prayer he asked, "What made you remove your sandals? They replied, "We saw you remove yours, so we removed ours." The Messenger (صلى الله عليه وسلم) then said, "Jibrīl came to me and informed me that there was filth on them.

When any of you comes to the Masjid he should examine, and if he sees filth on his sandals he should wipe it off and pray in them."

Another note, wiping over a Khuff is only for matters of minor impurity. Invalidating Wudū' with major impurity like having relations with a wife, one must take off the Khuff. And you can't wipe over them to renew the Ghusl. Ash-Shāfi'ī, An-Nawawi, and Ibn Qudāmah related an 'Ijmā' that wiping over the Khuff is only when breaking Wudū' with matters of minor purification.

In Musannaf Abdul-Razzāq, Zir Ibn Hubaysh Al-Asadī asked Safwān Ibn 'Assāl about this matter. Safwān in his response said, the Messenger (صلى الله عليه وسلم) used to command us when we were travelling not to remove our shoes for three days and nights except for matters of major impurity, and not to do so on matters of minor impurity like urinating, passing gas, or sleeping. And the Hadīth is also in At-Tirmidhi, An-Nasā'ī, Ibn Mājah, Musnad Ahmad, and Ibn Khuzāymah.

With this we'll stop, Jazākum Allāhu Khair,

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم